

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mehdi Righi	Team: Squad #15	CCRB Case #: 202207386	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/20/2022 3:57 PM	Location of Incident: NYPD Community Center (127 Pennsylvania Avenue)	18 Mo. SOL 4/20/2024	Precinct: 75
Date/Time CV Reported Sat, 10/29/2022 3:50 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Tue, 11/01/2022 1:03 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Nicole Soto	29069	956146	YOUTH STRAT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Tyron Saxon	05707	949631	YOUTH STRAT
2. PO Daniel Moussannef	14212	967618	CAB COD

Officer(s)	Allegation	Investigator Recommendation
A. PO Nicole Soto	Discourtesy: Police Officer Nicole Soto spoke discourteously to § 87(2)(b)	

## Case Summary

On October 29, 2022, § 87(2)(b) filed a written civilian complaint report on behalf of her 10-year-old son § 87(2)(b) with the NYPD, generating IAB Log #22-25654. On November 1, 2022, the complaint was forwarded to the CCRB.

On October 20, 2022, at approximately 4:00 PM, § 87(2)(b) went to the NYPD community center, located at 127 Pennsylvania Avenue in Brooklyn, to attend a children's trip to a haunted house. § 87(2)(b) needed help joining the trip due to limited availability. At the time, Police Officer Tyron Saxon from the Youth Services Section was speaking with a § 87(2)(b)-old youth, identified only as "§ 87(2)(b)" about the trip. When § 87(2)(b) approached PO Saxon for help, § 87(2)(b) yelled at § 87(2)(b) and told him to wait. While § 87(2)(b) and § 87(2)(b) argued, Police Officer Nicole Soto from the Youth Services Section told § 87(2)(b) that he needed to stop letting these "little shits" from getting to him (**Allegation A: Discourtesy – Word;** § 87(2)(g)). § 87(2)(b) believed that PO Soto's remark referred to him. § 87(2)(b) asked PO Soto why she called him "a little shit." PO Soto replied, "Are you not a little shit?" (**Subsumed in Allegation A**)

The investigation obtained surveillance footage of the incident from the NYPD community center (Board Review 1). No other video footage was found from this incident.

## Findings and Recommendations

### **Allegation (A) Discourtesy: Police Officer Nicole Soto spoke discourteously to § 87(2)(b)**

§ 87(2)(b)'s telephone interview was conducted on November 4, 2022. Police Officer Tyron Saxon was interviewed in-person at the CCRB on December 9, 2022. Police Officer Nicole Soto was interviewed in-person at the CCRB on December 22, 2022. Police Officer Daniel Moussannef was interviewed in-person at the CCRB on February 1, 2023.

It is undisputed that § 87(2)(b) visited the community center. He approached PO Saxon for help on getting onto a trip while he spoke with § 87(2)(b) a § 87(2)(b)-old youth. § 87(2)(b) and § 87(2)(b) got into a loud argument in the lobby. PO Soto walked downstairs from the second floor to intercede.

§ 87(2)(b) stated (Board Review 2) that PO Soto walked down a staircase from the second floor and approached § 87(2)(b) after she heard an argument between them. The staircase was located to the right of the desk after entering the lobby from the main entrance. PO Soto remained on the steps of the staircase and began speaking with § 87(2)(b). § 87(2)(b) did not pay attention to their conversation until he heard PO Soto tell § 87(2)(b) that he needed to stop letting these "little shits" from getting to him. § 87(2)(b) believed that PO Soto's remark referred to him. He mumbled under his breath about he felt disrespected by PO Soto's language. PO Soto heard § 87(2)(b) mumble and asked him to speak up and to talk "with his chest." § 87(2)(b) told PO Soto that he felt highly disrespected because she called him a "little..." § 87(2)(b) did not say "shit" because he did not want to get in trouble for cursing at the center and allowed his sentence to trail off. PO Soto asked § 87(2)(b) "Are you not little?" § 87(2)(b) asked PO Soto about the word she said after little. PO Soto said, "Little shit." § 87(2)(b) responded, "Yeah." PO Soto asked § 87(2)(b) "Are you not a little shit?" § 87(2)(b) felt "blown away" by PO Soto's comments.

PO Saxon stated (Board Review 3) that he heard PO Soto come down the stairs and tell § 87(2)(b) “Y’all down behave.” PO Soto and § 87(2)(b) proceeded to have a verbal exchange. PO Saxon did not recall what they said to each other. PO Saxon did not recall if PO Soto used profanity when she spoke with § 87(2)(b). PO Saxon did not remember hearing PO Soto call § 87(2)(b) “a little shit.” PO Saxon did not hear any other officer call § 87(2)(b) a “little shit.” PO Soto walked off after speaking with § 87(2)(b). PO Saxon approached § 87(2)(b) and asked him what happened. § 87(2)(b) claimed that PO Soto called him a “piece of shit.” PO Saxon was not surprised to hear that PO Soto called § 87(2)(b) a “piece of shit” because PO Soto often used profanity in casual conversations when speaking with PO Saxon.

PO Soto stated (Board Review 4) that she spoke with § 87(2)(b) on the second floor of the NYPD community center. PO Soto told § 87(2)(b) to not let the younger children get to him. § 87(2)(b) was targeted by the younger children because his mental state did not match his age. PO Soto went downstairs to continue her safety rounds. She stopped at the top of a set of stairs that led to the first floor. § 87(2)(b) and his mother were speaking with PO Saxon in the lobby area. § 87(2)(b) wanted approval to go on a field trip organized by the community center. § 87(2)(b) who was also present, walked between PO Saxon and § 87(2)(b) and started jumping and saying rude things. PO Soto could not recall what the rude comments were. § 87(2)(b)’s behavior triggered an upset reaction from § 87(2)(b). § 87(2)(b) began to yell and argue with § 87(2)(b). PO Soto became aware of their argument when § 87(2)(b) became loud. PO Soto stepped in and reminded § 87(2)(b) of the conversation they had upstairs, in which she told him to stop letting younger children antagonize him. PO Soto told § 87(2)(b) that § 87(2)(b) was “little-er” and younger than him. § 87(2)(b) proceeded to sit on a couch in the lobby near the community center’s main entrance. PO Soto heard § 87(2)(b) say her name to another child, but she was not certain what he said. PO Soto told § 87(2)(b) that if he had something to say, he should tell her. § 87(2)(b) asked PO Soto why she called him “little.” PO Soto told § 87(2)(b) that he was young and physically smaller than § 87(2)(b). PO Soto denied using profanity during her interaction with § 87(2)(b). PO Soto denied calling § 87(2)(b) a “little shit.” She also denied hearing another officer call § 87(2)(b) a “little shit.” PO Soto had no further interactions with § 87(2)(b) on the day of the incident.

PO Moussannef stated (Board Review 8) that § 87(2)(b) got into a verbal dispute with § 87(2)(b). PO Moussannef did not recall what they were arguing about. § 87(2)(b) was cursing loudly at § 87(2)(b). PO Soto told § 87(2)(b) and § 87(2)(b) to stop. PO Soto told § 87(2)(b) that they had had conversations in the past warning him not to get into fights with other youths. PO Soto told § 87(2)(b) to stop getting aggravated. PO Soto proceeded to speak § 87(2)(b). PO Moussannef stood close to PO Soto during their interaction. § 87(2)(b) appeared upset. PO Moussannef denied hearing PO Soto call § 87(2)(b) a “little shit.” PO Moussannef did not hear any other officer refer to § 87(2)(b) as a “little shit.”

The investigation obtained surveillance footage (Board Review 1) from an interior camera pointed at the main entrance and lobby area of the community center between 3:30 PM to 4:30 PM on the day of the incident. The video does not contain audio. § 87(2)(b) is seen entering the community center at 7:17. He approaches PO Saxon, a bald black male officer standing on the left side of the screen at 7:23. At 20:57, § 87(2)(b) enters the community center. PO Soto descends down a flight of stairs from the second floor in the background at 24:35. § 87(2)(b) and § 87(2)(b) start arguing at 24:56 in front of PO Saxon. § 87(2)(b) then sits on one of the couches located at the bottom of the video while PO Soto speaks with somebody standing outside the frame. Starting at 26:42, PO Soto is seen speaking to someone else off-screen while standing on a landing between

the first and second floor. Her conversation is with an individual seated in § 87(2)(b)'s direction. PO Soto walks down the stairs from the landing at 29:27 and approaches § 87(2)(b) who is seated on the couch. This continues until 30:48. PO Soto walks away and returns to the first flight of stairs leading to the landing. She briefly speaks with PO Saxon before walking back up to the second floor. No further interaction is seen between § 87(2)(b) and PO Soto.

According to Patrol Guide Procedure #203-09 (Board Review 5), police officers must be courteous and respectful.

According to PD v. Pichardo (DAO-DCT case #2015-15012) (Board Review 9), an officer may use limited profanity when trying to gain control of a dynamic situation. They are not permitted to use profanity when it is intended only to belittle or insult a person.

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (Board Review 10 and 11).
- Police Officer Nicole Soto has been a member-of-service for nine years and this is the first CCRB complaint to which she has been a subject.

#### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of December 22, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 6).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

Squad: 15

Investigator:	<u>Mehdi Righi</u>	<u>Inv. Mehdi Righi</u>	<u>02/02/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Owen Godshall</u>	<u>SI Owen Godshall</u>	<u>02/06/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date